551

## NOTIFICATION.

No. L. D. 3037—Legis. 2-50-55, dated Bangalore, 5th January 1951.

Ordered that the following Representation of the People (Amendment) Act, 1950 (LXXIII of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 23rd December 1950, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
*Legal Remembrancer and*
*Secretary to Government,*
*Law Department.*

*Received Assent on 23rd December 1950.*

## THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1950

(LXXIII OF 1950)

AN

ACT

*to amend the Representation of the People Act, 1950.*

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Representation of the People (Amendment) Act, 1950.

2. *Amendment of the long title, Act XLIII of 1950.*—In the long title of the Representation of the People Act, 1950 (hereinafter referred to as the said Act), after the words "the preparation of electoral rolls" the words and letter "the manner of filling seats in the Council of States to be filled by representatives of Part C States" shall be inserted.

3. *Amendment of section 2, Act XLIII of 1950.*—In section 2 of the said Act, after clause (*c*) the following clause shall be inserted, namely :—

"(*cc*) 'Council of States constituency' means a constituency provided by order made under section 27C for the purpose of election of members to the electoral college for any Part C State or group of such States referred to in section 27A ;"

4. *Amendment of section 16, Act XLIII of 1950.*—In section 16 of the said Act—

(*a*) in clause (*c*) of sub-section (*1*), after the word "corrupt" the words "and illegal" shall be inserted ; and

(*b*) to sub-section (*2*), the following proviso shall be added, namely : —

"Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (*c*) of sub-section (*1*) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal."

5. *Insertion of new section 22A in Act XLIII of 1950.*—After section 22 of the said Act, the following section shall be inserted, namely :—

"*22A. Special provisions with regard to electoral rolls first prepared under the Act.*—(*1*) Notwithstanding anything contained in the foregoing provisions of this Part the first electoral rolls under this Act shall be prepared in relation to such areas (referred to in this Act as 'electoral units') in each State as the Election Commission may, in consultation with the Government of that State, direct.

(*2*) An electoral roll prepared under sub-section (*1*) shall be published in such manner and at such places as may be prescribed by reference to the electoral unit for which the roll has been prepared for the purpose of inviting claims for inclusion in, or objection to, such roll.

(*3*) For the purpose of the preparation of electoral rolls under sub-section (*1*) and the claims and objections referred to in sub-section (*2*), the provisions of sections 15, 17, 18, 19, 20 and 22 shall have effect as if for any reference to a constituency in the said sections there were substituted a reference to an electoral unit.

(*4*) After the constituencies in a State have been determined under Part II and after the claims and objections in respect of the electoral rolls for all the electoral units or parts thereof comprised in a constituency so determined have been disposed of in accordance with the rules made in that behalf under section 28 and such electoral rolls have been altered in accordance with the decisions given on such claims and objections, the electoral rolls for all such electoral units and parts thereof so altered shall be republished in the manner prescribed as the electoral roll for such constituency and shall, on such republication, be deemed to be the electoral roll prepared under this Act for that constituency."

6. *Amendment of section 26, Act XLIII of 1950.*—In section 26 of the said Act, after the words and figures "sections 15 to 25", the brackets, words, figures and letter "(including the special provisions contained in section 22A)" shall be inserted.

7. *Amendment of section 27, Act XLIII of 1950.*—In sub-section (*4*) of section 27 of the said Act, after the figures "23" the brackets and words "(excluding the proviso)" shall be inserted.

8. *Insertion of new Part IV A in Act XLIII of 1950.*—After Part IV of the said Act, the following Part shall be inserted, namely :—

## "PART IV A

### MANNER OF FILLING SEATS IN THE COUNCIL OF STATES TO BE FILLED BY REPRESENTATIVE OF PART C STATES.

27A. *Constitution of electoral colleges for the filling of seats in the Council of States allotted to Part C States.*—(*1*) For the purpose filling any seat or seats in the Council of States allotted to any Part

C State or group of such States in the Fourth Schedule to the Constitution there shall be an electoral college for each such State or group of States :

Provided that for the purpose of filling the seat allotted to the States of Ajmer and Coorg there shall be an electoral college only for the State of Ajmer :

Provided further that for the purpose of filling the seat allotted to the States of Manipur and Tripura there shall be an electoral college for each of the said States.

(*2*) The electoral college for each State or group of States specified in the first column of the Fifth Schedule shall consist of the number of members specified in the second column thereof opposite to that State or group of States to be chosen by direct election.

(*3*) The electoral college first constituted under this Act for any State or group of States so specified shall be reconstituted by a fresh election every time when there is a general election held in that State or group of States for the purpose of election of members to the House of the People, and on every such reconstitution the electoral college for that State or group of States functioning immediately before such reconstitution shall be deemed to be dissolved and the electoral college so reconstituted shall be the electoral college for such State or group of States, as the case may be, for the purposes of this Act.

(*4*) Any casual vacancy in the seat of a member of an electoral college for any such State or group of States as is referred to in sub-section (*2*) shall be filled by election held in the constituency concerned in the manner in which the election of that member to such seat was held.

(*5*) The electoral college for the State of Delhi shall consist of—

(*a*) the members of the House of the People representing that State ;

(*b*) the non-official members of the Advisory Council of the Chief Commissioner of Delhi ; and

(*c*) the non-official members of every cantonment board, district board, municipal committee and notified area committee within that State.

27B. *Council of States constituencies.*—For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be the constituencies provided by order under section 27C and no other constituencies.

27C. *Delimitation of Council of States constituencies.*—As soon as may be after the commencement of this Act, the President shall by order determine—

(*a*) the constituencies into which each State or group of States specified in the first column of the Fifth Schedule shall be divided for the purpose of election of members to the electoral college for such State or group of States ;

(*b*) the extent of each constituency ; and

(*c*) the number of seats allotted to each constituency.

27D. *Power to alter or amend orders.*—The President may, from time to time, after consulting the Election Comission, by order, alter or amend any order made by him under section 27C.

27E. *Procedure as to orders delimiting constituencies.*—(*1*) The Election Commission shall,—

(*a*) in consultation with the Advisory Committee set up under sub-section (*1*) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, other than Bilaspur and Himachal Pradesh, formulate proposals as to the delimitation of constituencies in that State under section 27C, and

(*b*) in consultation with the Advisory Committee set up under the said sub-section in respect of Himachal Pradesh, formulate proposals as to the delimitation of constituencies in the States of Bilaspur and Himachal Pradesh under section 27C,

and submit the proposals to the President for making the order under the said section 27C.

(*2*) Every order made under section 27C shall be laid before Parliament as soon as may be after it is made and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid.

27F. *Electoral rolls for Council of States constituencies.*—(*1*) For the purpose of election of members to the electoral college for any State or group of States specified in the first column of the Fifth Schedule there shall be an electoral roll for every Council of States constituency in that State or group of States.

(*2*) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III as relate to the areas comprised within a Council of States constituency shall be deemed to be the electoral roll for that Council of States constituency.

27G. *Termination of membership of electoral college for certain disqualifications.*—If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of the electoral college.

27H. *Manner of filling of seats in the Council of States allotted to Part C States.*—Save as otherwise provided in section 27I the seat or seats in the Council of States allotted to any Part C State, or group of such States in the Fourth Schedule to the Constitution shall be filled by a person or persons elected by the members of the electoral college for such State or group of States in accordance with the system of proportional representation by means of the single transferable vote.

27I. *Special provisions for the filling of the seats in the Council of States allotted to the States of Ajmer and Coorg and the States of Manipur and Tripura.*—(*1*) The seat in the Council of States allotted to the States of Ajmer and Coorg in the Fourth Schedule to the Constitution shall be filled by a person elected by the members of the electoral college for the State of Ajmer and by the elected members of the Coorg Legislative Council in rotation, that is to say, at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Ajmer and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the elected members of the Coorg Legislative Council.

(2) The seat in the Council of States allotted to the States of Manipur and Tripura in the said Schedule shall be filled by a person elected by the members of the electoral college for the State of Tripura and by the members of the electoral college for the State of Manipur in rotation, that is to say, at the first general election and at every second subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Tripura and at the first biennial election and at every third subsequent biennial election the said seat shall be filled by a person elected by the members of the electoral college for the State of Manipur.

(3) The casual vacancy in the seat allotted to the States of Ajmer and Coorg or to the States of Manipur and Tripura shall be filled by election in the State in which the election to fill the seat was held at the last preceding general or biennial election, as the case may be.

(4) Every election held under sub-section (1), sub-section (2) or sub-section (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote.

27J. *Power of electoral colleges or the Coorg Legislative Council to elect notwithstanding vacancies therein.*—No election by the members of an electoral college or the elected members of the Coorg Legislative Council under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college or Council, as the case may be.

27K. *Replacement of electoral colleges by bodies created under article 240 to function as legislatures.*—Notwithstanding anything contained in the foregoing provisions of this Part—

(a) if a body is created by Parliament by law under article 240 for any of the States specified in the first column of the Fifth Schedule, for that State, then after such body has been constituted it shall not other than Bilaspur and Himachal Pradesh, to function as a legislature be necessary to constitute or reconstitute any electoral college for that State and on the constitution of such body any electoral college for the time being functioning for such State shall be deemed to be dissolved, and section 27H or section 27I, as the case may be, shall in its application to that State have effect as if for any reference to the electoral college for such State in that section there were substituted a reference to the body so created for such State;

(b) if any such body as aforesaid is so created for each of the States of Bilaspur and Himachal Pradesh, then after both such bodies have been constituted, it shall not be necessary to constitute or reconstitute any electoral college for those States and on the constitution of both such bodies any electoral college for the time being functioning for those States shall be deemed to be dissolved, and section 27H shall, in its application to that group of States, have effect as if for the reference to the electoral college for the said group of States in that section there were substituted a reference to the bodies so created for those States; and

(c) if any such body as aforesaid is so created for the State of Coorg, then on the constitution of such body section 27I shall, in its application to that State, have effect as if for any reference to the Coorg Legislative Council in that section there were substituted a reference to the body so created for such State."

9. *Amendment of section 28, Act XLIII of 1950.*—In clause ( *b*) of sub-section (*2*) of section 28 of the said Act, the words " in the constituencies to which they relate " shall be omitted.

10. *Addition of new Fifth Schedule to Act XLIII of 1950.*—After the Fourth Schedule to the said Act, the following Schedule shall be added, namely :—

"THE FIFTH SCHEDULE

[*See* sections 27A (*2*), 27B, 27C (*a*), 27E(*1*), 27F(*1*) and 27K(*a*)]

*Number of members of Electoral Colleges*

| Name of State<br>1. | Number of members<br>2 |
|---|---|
| 1. Ajmer | 30 |
| 2. Bhopal | 30 |
| 3. Bilaspur and Himachal Pradesh | 42 |
| 4. Kutch | 30 |
| 5. Manipur | 30 |
| 6. Tripura | 30 |
| 7. Vindhya Pradesh | 60" |

11. *Repeal of Ordinance XXIX of 1950.*—(*1*) The Representation of the People (Amendment) Ordinance, 1950 (XXIX of 1950), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act as amended by the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the said Act as amended by this Act as if this Act were in force on the day on which such thing was done or such action was taken.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.